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## The Great Kiwi (Dis)Connect: The New Provinces Act of 1858 and its Consequences

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# The Great Kiwi (Dis)Connect: The New Provinces Act of 1858 and its Consequences

## Abstract

In 1853, New Zealand began a quasi-federal experiment that ended surprisingly quickly. New Zealand's Pakeha (white) settlers, many influenced by the Chartist movement, had migrated in the expectation that they would possess the same rights as Englishmen at home. After vociferous agitation and a false start when an earlier constitution was blocked as unworkable, they were granted a representative constitution that contained a system of six provinces.<sup>2</sup> Five of the provinces quickly established ministries that were wholly or partially responsible to the legislature, and responsible government at the national level followed in 1856. <sup>3</sup> Although responsible government followed similar lines to that in the Australian colonies, governors retained the power to veto financial bills and Australia had no equivalent to New Zealand's provincial system or its superintendents, some of whom viewed the superintendency as akin to a lieutenant-governorship.

## Keywords

provinces, (dis)connect:, kiwi, great, 1858, its, act, consequences<sup>1</sup>

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## The Great Kiwi (Dis)Connect: The New Provinces Act of 1858 and its Consequences<sup>1</sup>

In 1853, New Zealand began a quasi-federal experiment that ended surprisingly quickly. New Zealand's Pakeha (white) settlers, many influenced by the Chartist movement, had migrated in the expectation that they would possess the same rights as Englishmen at home. After vociferous agitation and a false start when an earlier constitution was blocked as unworkable, they were granted a representative constitution that contained a system of six provinces.<sup>2</sup> Five of the provinces quickly established ministries that were wholly or partially responsible to the legislature, and responsible government at the national level followed in 1856.<sup>3</sup> Although responsible government followed similar lines to that in the Australian colonies, governors retained the power to veto financial bills and Australia had no equivalent to New Zealand's provincial system or its superintendents, some of whom viewed the superintendency as akin to a lieutenant-governorship. In the same decade that New Zealand's provincial system began, similar upheavals occurred across the

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<sup>1</sup> This article is an expanded version of a paper I presented at the Australian Historical Association's 'Connections' conference in Adelaide on 13 July 2012. My thanks to Stuart Macintyre and Patricia Grimshaw for their meticulous proofreading and advice, my partner Charlotte Whild for her patience and feedback (and the loan of her laptop at a crucial time), two anonymous reviewers whose positive and encouraging comments were of considerable help to me, and the good people at PapersPast of the National Library of New Zealand. Their digitisation of numerous newspapers and the content I discovered within them inspired my interest in this topic.

<sup>2</sup> For more on the abortive 1846 *Constitution Act*, which provided far too much legislative machinery for a small colony and was resisted by Governor George Grey, see A.H. McIntock, *Crown Colony Government in New Zealand* (Wellington: R.E. Owen, Government Printer, 1958), 286-93.

<sup>3</sup> Otago's first act was to create a responsible ministry; Wellington and Nelson passed similar measures; Auckland and Canterbury created partially responsible ministries; cautious Taranaki chose to wait until national responsible government was granted. See *Otago Witness*, 14 January 1854, 3; *Wellington Independent*, 5 November 1853, 3; and *New Zealand Parliamentary Record*, 2<sup>nd</sup> ed., ed. Guy H. Scholefield (Wellington: R.E. Owen, Government Printer, 1950 [1913]), 179, 187, 209, 229.

Tasman when Victoria and Queensland were separated from New South Wales. Although they were established as separate colonies rather than simply as provinces within a federal colony, their reasons for separation closely resemble those used to justify both a provincial system in New Zealand and the secession of four new provinces from the six original ones.

The dispersed, isolated nature of New Zealand's settlement meant that government required a localised component, some form of provincial or municipal structure. Six main settlements and a smattering of smaller coastal footholds huddled between dangerous harbours and largely unknown hinterlands. All six were young; Wellington was established first, with an advance party arriving in September 1839 ahead of the first settlers in January 1840, while Christchurch was the youngest, settled in December 1850. Five were founded as Wakefieldian settlements by the New Zealand Company and subsidiaries; the sixth, Auckland, was the 'official' British settlement. The 27,633 inhabitants of these towns were outnumbered more than two-to-one by 63,107 Maori, whose land was coveted by Pakeha.<sup>4</sup> Despite the small and marginal nature of the Pakeha settlements, it was quite impractical to govern New Zealand from one centre. The need for more localised government had already been acknowledged during crown colony administration.<sup>5</sup> All six of the main settlements were separated from their nearest neighbour by at least a tedious week-long coastal voyage by sailboat, although this was preferable to an overland trek. Even the introduction of steamships in 1854 did not solve this problem; Otago in particular was visited rarely—only three times in 1854-55—and when the steamer did call, travellers to Auckland faced a 'quick' voyage of two to four weeks.<sup>6</sup> Most of the Wakefieldian settlements were in closer contact with Australia than with Auckland.

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<sup>4</sup> Statistics New Zealand, 'A1.1 Total Population', *Long Term Data Series: A. Population*, available from [http://www.stats.govt.nz/browse\\_for\\_stats/economic\\_indicators/NationalAccounts/long-term-data-series/population.aspx](http://www.stats.govt.nz/browse_for_stats/economic_indicators/NationalAccounts/long-term-data-series/population.aspx); accessed 19 June 2012.

<sup>5</sup> McLintock, *Crown Colony Government in New Zealand*, 319.

<sup>6</sup> Eric Pawson, 'Time-Space Convergence in New Zealand, 1850s to 1990s', *New Zealand Journal of Geography* 94, 1 (October 1992), 16.

To satisfy New Zealand's need for a substantial measure of local self-government, the British parliament—on the recommendation of Governor George Grey—included a system of six provinces in the 1852 *Constitution Act* that conferred responsible government.<sup>7</sup> The provinces were centred upon the main sites of colonisation and provincial governments enjoyed wide powers of legislation. Thirteen subjects were reserved for the exclusive control of the central government's General Assembly, most notably Maori relations, customs duties, and most aspects of criminal law. The General Assembly was bicameral, but the six provinces were granted a unicameral council and a separate elected superintendent. The relationship between superintendents and councils was very similar to that between governors and colonial legislatures. As the central government retained control over the alienation and management of Maori land, Maori were largely excluded from the provincial project. Only a few Maori satisfied the property qualification to vote and their government dealings generally continued to be conducted via agents of the central government—though these agents sometimes also had provincial responsibilities. The Pakeha population did not pass sixty thousand and eclipse the Maori population until 1858, and the political architecture of the *Constitution Act* was a cumbersome system for a small colony.<sup>8</sup> Nonetheless, it was popular and expanded quickly as the spread of settlement demonstrated that the initial provincial boundaries were defective. The number of provinces grew, ultimately to ten, though only nine existed simultaneously.

The provinces, like Australia's new colonies, were important. Settlers were often more concerned with provincial politics than they were with distant dealings in the national capital—Auckland until 1865, and then Wellington. To this day, the Australian states remain important political units. Yet in 1876 the provinces ceased to exist and New Zealand remains a unitary rather than federal state. The only obvious remnants of provincialism to twenty-first-century New Zealanders are the Anniversary Day public holidays, which do not

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<sup>7</sup> For the full text of the *Constitution Act*, see *The New Zealand Constitution Act: Together With Correspondence Between the Secretary of State for the Colonies and the Governor-in-Chief of New Zealand in Explanation Thereof* (Wellington: R. Stokes, 1853), available from <http://nzetc.victoria.ac.nz/tm/scholarly/tei-GovCons.html>; accessed 19 June 2012.

<sup>8</sup> *Statistics New Zealand*, 'A1.1 Total Population'.

always follow the former provincial borders; a fashion shop occupying the old Southland provincial chambers in Invercargill; and the Canterbury provincial chambers, heavily damaged by the Christchurch earthquake of February 2011.<sup>9</sup> How could New Zealand's provincial system disappear so dramatically? An explanation cannot be found in size: Australia may be much larger than New Zealand, but other relatively small countries maintain federal structures, such as Austria, Switzerland, and the Federated States of Micronesia. Size is a lazy answer, especially as New Zealand possessed a considerable degree of distance in transport and communications well into the twentieth century. The explanation must lie elsewhere.

One of the major factors in abolition was the *New Provinces Act* of 1858, which created an essentially automatic process to enable the secession of new provinces. It may seem counter-intuitive to argue that an act creating provinces and expanding the provincial project contributed to its demise. However, I shall argue that the *New Provinces Act* undermined provincialism instead of promoting it. First, it was part of a strategy employed by centralist politicians to divide and rule the provinces. Second, the new provinces were weak and demonstrated the problems of provincialism; this was especially true in the case of two small South Island provinces, Marlborough and Southland. Third, neither new nor old provinces successfully met the real needs of most settlers in a young country, especially as the desired scale of public works was beyond the means of all but the wealthiest provinces. They quickly gained discontented and poorly developed hinterlands, overlooked at the expense of the interests of wealthy landowners and capital cities. The new provinces became a compelling argument against provincialism, and instead of promoting provincial sentiment, their failures caused settlers to seek redress from the central government and to desire national solutions to provincial problems.

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<sup>9</sup> At the time of writing, the chambers are yet to be restored but grant money has been received to fund restoration work. Charlie Gates, 'Provincial Chambers to Share \$1M Grant', *Fairfax New Zealand*, available from <http://www.stuff.co.nz/national/christchurch-earthquake/6930848/Provincial-chambers-to-share-1m-grant>; accessed on 19 June 2012.

My argument is an exploration of a theme only briefly explored by W.P. Morrell in his authoritative history of the provincial system. Insofar as the *New Provinces Act* weakened the provincial system, he describes it as ‘achiev[ing] its object admirably’.<sup>10</sup> However, Morrell writes from the top-down perspective of the central government and treats the new provinces as a kind of peripheral subplot. A deeper exploration of the consequences of the *New Provinces Act* reveals just how significantly it contributed to shaping and centralising New Zealand’s provincial institutions. In doing so, I am writing against the argument of historians such as B.J. Dalton and Tony Ballantyne that the ‘key engine for political transformation was the conflict over land and sovereignty that raged from the end of the 1850s through to the early 1870s’.<sup>11</sup> I do not deny that conflict played a role in the centralisation of New Zealand statehood, but there were other major forces at work, one of which was the *New Provinces Act*. Here I concur with Bernard Attard’s critique of the war-as-centralisation-impetus argument, but with a different emphasis—Attard emphasises the inability of the provinces to borrow money, while I aim to emphasise the political rivalries of the period and the inability of the provinces to develop.<sup>12</sup>

The advent of the provinces met with general support in 1853. After straining for years under the perceived misrule of governors and their nominated councils, every settlement had the chance to handle its own affairs once the provincial system formally came into operation. When the *Constitution Act* arrived in New Zealand in late 1852, it was greeted with joy. The enthusiasm was most palpable in Dunedin, where:

every exultant male colonist, literally or figuratively, flung his hat into the air, and rushed off to wring the hand of everybody he met, and to join in every form of

<sup>10</sup> W.P. Morrell, *The Provincial System in New Zealand 1852-76*, 2<sup>nd</sup> ed. (Christchurch: Whitcombe and Tombs, 1964 [1932]), 114.

<sup>11</sup> The quote is from Tony Ballantyne, ‘The State, Politics and Power, 1769-1893’, in *The New Oxford History of New Zealand*, ed. Giselle Byrnes (South Melbourne: Oxford University Press, 2009), 112. For B.J. Dalton’s similar argument, see *War and Politics in New Zealand 1855-1870* (Sydney: Sydney University Press, 1967), 12.

<sup>12</sup> Bernard Attard, ‘Making the Colonial State: Development, Debt, and Warfare in New Zealand, 1853-76’, *Australian Economic History Review* 52, no. 2 (July 2012): 101-27, especially 101-03 and 115.

demonstration that the resources and enthusiasm of the moment could devise.<sup>13</sup>

Salutes were fired, the First Church of Otago rang its bell, a large bonfire was lit; 'all', in the words of the settlement's sole newspaper, 'seemed determined to do their utmost to welcome the tidings of the glorious Constitution'.<sup>14</sup> To the north, the more reserved *Lyttelton Times* of Canterbury, one of the early colony's most erudite publications, found that 'the satisfaction expressed at the measure, has been general throughout the colony' and Pakeha have dwelt 'with satisfaction upon the large measure of real self-Government which it bestows'.<sup>15</sup> Central to this joy was the inauguration of the provincial councils between July and December 1853; this was the 'real self-Government' of the 'glorious Constitution'.

Settlers saw in the provincial councils the ability to pursue the public works and civil institutions that were desperately needed. There were no organised education systems; law and order provisions were meagre; public buildings were either poor or non-existent. Most infuriatingly, roads were rarely better than mud tracks, ports were shambolic affairs, and although most settlers had arrived in New Zealand in the wake of England's 'railway mania', the very suggestion of constructing railways was financially laughable. This state of affairs was unacceptable and the economy of every province was hindered; it was difficult for settlers opening up hinterlands to get produce even to local markets, let alone to export. High hopes rested upon the new provinces, yet they quickly raised the ire of hinterland settlers for focusing on the interests of provincial capitals.

The *New Provinces Act* was created in response to three regional movements that had petitioned the central parliament for secession from the provinces in which they were located. One was in the North Island—Wellington Province's Hawke's Bay region. Two were in the South Island—Marlborough, the eastern portion of Nelson Province, and Southland, fittingly enough the southern part of Otago.

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<sup>13</sup> James Barr ('An Old Identity'), *The Old Identities: Being Sketches and Reminiscences During the First Decade of the Province of Otago, N.Z.* (Dunedin: Mills, Dick and Co., 1879), 165.

<sup>14</sup> *Otago Witness*, 13 November 1852, 2.

<sup>15</sup> *Lyttelton Times*, 30 October 1852, 6.



All three regions shared similar complaints. Hawke's Bay had the largest population of sheep in Wellington and was thus a major contributor to the provincial economy,<sup>16</sup> yet money voted for public works never eventuated.<sup>17</sup> The main centre of the region, Napier, a port and trading hub, was derided by the province's upper class as 'Little Peddlington'.<sup>18</sup> Southland possessed large tracts of potential farmland and a valuable port at Bluff, the closest in New Zealand to Melbourne, yet it was miserably ignored by Otago.<sup>19</sup> A lack of land surveys and the failure to lay out a town at Bluff spurred rumours that the provincial council wanted to limit development to land further north.<sup>20</sup> Conflicting ordinances regarding land purchases and leases culminated in a December 1856 ordinance that effectively excluded smallholders, the backbone of the Southland economy, from acquiring land.<sup>21</sup> Marlborough was similarly under-developed by its provincial council—roads were scarce, not to mention impassable in winter, provisions were not made for education or the maintenance of law, and the Wairau River was the site of drownings due to the absence of a ferry or bridge.<sup>22</sup> Its secession campaign gained momentum when a new superintendent of Nelson was elected in 1856 and quickly introduced land legislation hostile to the interests of Marlborough's large runholders.<sup>23</sup> The movement did not enjoy unanimous support in Marlborough. As Jim McAloon has shown, some of its politicians and voters were sceptical of the region's ability to become a viable province, but thanks to the support of non-resident electors qualified by property, the runholders were in the majority.<sup>24</sup>

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<sup>16</sup> *Nelson Examiner*, 13 October 1855, 3.

<sup>17</sup> Letter from 'Old Colonist' of Napier, *Southern Cross*, 23 December 1856, 3.

<sup>18</sup> *Hawke's Bay Herald*, 21 November 1857, 2.

<sup>19</sup> It has also been ignored by some Otago historians; for instance, Erik Olssen includes only two brief mentions of Southland Province, the latter of which incorrectly states it seceded in 1860, in *A History of Otago* (Dunedin: John McIndoe, 1984), 63 and 239.

<sup>20</sup> *Otago Witness*, 2 February 1856, 3.

<sup>21</sup> *Otago Witness*, 13 December 1856, 2.

<sup>22</sup> B.E. Dickinson, 'The Ungentle Shepherds', *Journal of the Nelson Historical Society* 3, no. 4 (September 1978): 36.

<sup>23</sup> *Nelson Examiner*, 25 April 1857, 2, especially the pro-secession comments by Thomas Renwick, Member of the Provincial Council.

<sup>24</sup> Jim McAloon, *Nelson: A Regional History* (Whatamango Bay: Cape Catley, 1997), 70-71.

Upon parliament's receipt of petitions requesting secession, Premier Edward Stafford and his centralist ministry seized the opportunity. The centralists were increasingly frustrated with the power of the provinces; William Swainson, a member of the upper house and former crown colony attorney-general, wrote that 'instead of drawing together and uniting the Colonists in the various and widely separated Settlements, the new Constitution rather tended to perpetuate their isolation'.<sup>25</sup> On this issue, the centralists had a powerful ally—Governor Thomas Gore Browne. He feared that 'government will fall entirely into the hands of the provincial authorities' if the central government did not assert its authority, and therefore 'New Zealand will be divided into six insignificant colonies' rather than becoming a strong, united colony.<sup>26</sup> This attitude underpinned the *New Provinces Act*. By allowing the provinces to be divided into smaller, more localised units, the centralists could both restrain provincial power and emphasise the General Assembly's superiority.

The ministry also drafted the act to clip the wings of their political opponents, New Zealand's ultra-provincialists. The 'ultras', as they were often known, were led in the House of Representatives by two Wellingtonians: William Fox, who was Stafford's brief predecessor as premier and a believer in a federal system, and the cantankerous Isaac Featherston, Wellington Province's superintendent. D.G. Herron argues persuasively that centralism and provincialism were determined less by ideology and more on the basis of whether a politician held central or provincial office, and the Wellington ultras dominated their province's politics while enjoying little success in securing control of the central government.<sup>27</sup> Whether or not self-interest motivated the centralist/provincialist divide, what is important in this article is that the divide was very real and guided

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<sup>25</sup> William Swainson, *New Zealand and Its Colonization* (London: Smith, Elder and Co., 1859), 304.

<sup>26</sup> Thomas Gore Browne to Sir William Molesworth, 14 February 1856, *British Parliamentary Papers: Colonies – New Zealand*, vol. 10 (Shannon: Irish University Press, 1969), 459–60.

<sup>27</sup> D.G. Herron, 'Provincialism and Centralism, 1853–1858', in *Studies of a Small Democracy: Essays in Honour of Willis Airey*, ed. Robert Chapman and Keith Sinclair (Hamilton: Paul's Book Arcade for the University of Auckland, 1963), 20–25 *passim*.

the actions of politicians in 1858. Stafford was a moderate himself, but important allies within and without the ministry were ardent centralists, foremost being Colonial Secretary C.W. Richmond of Taranaki. His province was the smallest, most troubled, and most dependent on a strong central government; he himself was an intelligent, talented lawyer. Unsurprisingly, he emerged as a key architect of the *New Provinces Act*.

Richmond originally proposed a sub-provincial system of counties or municipalities for outlying hinterlands, but was handed on a platter the opportunity to carve up the provinces when Wellington's ultras failed to attend the 1858 session of the central parliament. Wellington Province's politics were mired in a protracted partisan dispute between the council and superintendent, and the ultras considered it to be more important than the expense and inconvenience of travelling to Auckland for the central parliament.<sup>28</sup> Richmond could not believe his luck. The municipal system in the first draft of the bill quickly evolved into new provinces. Publicly, he explained the evolution by dismissing municipalities as vague and poorly defined bodies.<sup>29</sup> Privately, he was much more frank, not to mention surprised by his success. In a letter to his uncle in England, he explained that:

It is part of our policy, by multiplying provinces, to bring provincial powers within their due limits. When the size of the provinces is reduced they will necessarily confine themselves to local interests, leaving the general interests to the Gen[era]l Government... Considering the strength of Ultra Provincial feeling in N.Z. I am perfectly astonished at the amount of success we have achieved in our reactionary policy. The leading Wellington politicians have been absent & there will be a dreadful howl of rage & grief from that quarter when they learn what we have done.<sup>30</sup>

Put simply, the ministry's policy was to divide and rule the provinces. The act made secession an automatic process upon the presentation

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<sup>28</sup> *Wellington Independent*, 20 March 1858, 2 and 1 September 1858, 5.

<sup>29</sup> *Southern Cross*, 13 August 1858, 3.

<sup>30</sup> C.W. Richmond to T. Richmond, 23 August 1858, in *The Richmond Atkinson Papers*, vol. 1, ed. Guy Scholefield (Wellington: R.E. Owen, Government Printer, 1960), 418-19.

of an electors' petition that satisfied certain criteria. Any region with a town (to be capital), a port, a population of at least one thousand Pakeha, and a total land area between half a million and three million acres could petition for secession. If these requirements were met and the petition was signed by over 150 registered electors, representing at least three-fifths of the region's electoral roll, secession would be granted without even the need to consult the old province.<sup>31</sup> Thus any province with a significant hinterland population was put in a precarious position—if a secession petition met the *New Province Act's* criteria, there was no protest mechanism available to the old province. Although superficially an expansion of the provincial system may appear to foster provincial sentiment and encourage very regionalised identities, its framers conceived it as a method of reducing the scope, authority, and security of the provinces. Did they succeed?

The new provinces proved to be weak entities that vividly displayed all the flaws of the provincial system. Although Hawke's Bay did not totally disgrace itself, it was the first province to secure an overdraft<sup>32</sup> and its politics were defined by bitter infighting amongst the local elite.<sup>33</sup> Far worse befell Marlborough and Southland, which both became bywords for provincial ineptitude and failure. Although they had considerable ambitions, they struggled to make any actual achievements and were often bogged down in bitter intra-provincial strife. Marlborough aspired to public works that it simply could not afford. Within two months of secession from Nelson, proposals for roads and railways were the subject of sometimes heated debate, with particular emphasis on linking Picton, the province's port, and Blenheim, the province's commercial centre and initial capital.<sup>34</sup>

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<sup>31</sup> *New Provinces Act* (21 and 22 Victoria 1858, No. 70), in the *New Zealand Legal Information Institute's database of New Zealand Acts As Enacted*, available from: [http://www.nzlii.org/nz/legis/hist\\_act/](http://www.nzlii.org/nz/legis/hist_act/); accessed 19 June 2012.

<sup>32</sup> *Hawke's Bay Herald*, 18 August 1860, 6.

<sup>33</sup> Matthew Wright, *Hawke's Bay: The History of a Province* (Palmerston North: Dunmore Press, 1994), 68–69. This book's title is a classic example of the misuse of 'province' in New Zealand historiography; it is the history of Hawke's Bay region, with relatively little attention given to the working of its provincial government between 1858 and 1876. It is much more of a history of change among the region's middle class.

<sup>34</sup> *Marlborough Press*, 6 January 1860, 3; 20 January 1860, 3; 27 January 1860, 3; 2 March 1860, 3; 14 April 1860, 3.

Never mind that at the time the province was so small that, in the words of its first newspaper, the *Marlborough Press*, Blenheim was a quiet settlement in the country making 'rapid strides towards the appearance of a town. Houses are still going up, extending the street lines.'<sup>35</sup> The population of the entire province was a paltry 1,151.<sup>36</sup>

Hopelessly ambitious, Marlborough's provincial government introduced a railway bill in 1861 authorising a loan of £60,000 to fund construction. The *Marlborough Press* cajoled support for it and was the loudest voice amidst a chorus of railway boosters. The railway was not to be a profitable enterprise; it would be constructed by the government as trustee for the people and operated for the public benefit.<sup>37</sup> Opposition to the scheme was characterised as distasteful, since railway proposals 'ought to have united every well-wisher to the province in its favour'.<sup>38</sup> Neither the *Marlborough Press* nor any of the railway's other supporters, however, clarified how the government would afford this form of public charity except with vague references to hypothetical future prosperity and income from the sale of public land that might follow.

Unsurprisingly, the bill failed. Although it passed the Marlborough provincial council, Gore Browne had expanded his power of veto over financial bills in May 1857. He issued a circular requiring all provincial loan bills to be reserved for his consent after Wellington Province brazenly thwarted his authority by raising and spending a loan before he could veto it.<sup>39</sup> Gore Browne's power was strengthened later that year when the Colonial Office endorsed his actions and instructed him not to approve provincial loans except for temporary or emergency measures.<sup>40</sup> These instructions were not consistently enforced, but in 1861 they proved tremendously convenient, as it was obvious Marlborough could not repay so large a loan and that would threaten New Zealand's financial standing in England. On behalf of

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<sup>35</sup> *Marlborough Press*, 9 March 1860, 3.

<sup>36</sup> *Marlborough: A Provincial History*, ed. A.D. McIntosh (Christchurch: Capper Press, 1977 [1940]), 208. Specific author details for individual chapters are not given.

<sup>37</sup> *Marlborough Press*, 25 May 1861, 2.

<sup>38</sup> *Marlborough Press*, 8 June 1861, 2.

<sup>39</sup> *Southern Cross*, 5 May 1857, 3 and *Wellington Independent*, 3 June 1857, 2.

<sup>40</sup> Henry Labouchere to Thomas Gore Browne, 15 September 1857, published in the *Otago Witness*, 16 January 1858, 7.

Gore Browne, Premier William Fox, ironically one of Wellington's ultras, wrote to inform the superintendent of Marlborough that, under the instructions of 1857, the loan could not be authorised.<sup>41</sup> In the process, Fox criticised the province's marked lack of financial data—their figures for expected returns and for maintenance expenditure were purely conjectural. This was not the end of the matter: another proposal was entertained in 1865.<sup>42</sup> It too was unsuccessful, and the truth of the matter was that Marlborough's ambitions were ludicrous. Its income was so unstable and meagre that the expense of government buildings and salaries consumed revenue at the expense of the most basic public works.<sup>43</sup>

Worse for Marlburians, a ridiculous spat between Picton and Blenheim politicians had been wasting government money and did more than anything else to ruin trust in Marlborough's ability to govern itself competently. The provincial council was more dysfunctional and acrimonious than any other in New Zealand, hosting an unending series of controversies that have been thoroughly studied in the history of Marlborough edited by A.D. McIntosh.<sup>44</sup> The two most dramatic disputes, both over the location of the province's capital, warrant particular attention here as they inflicted damage upon the reputation of the provincial system and illustrate just how petty and unworkable the new provinces were. When the province was founded, Picton was intended as its capital, but it existed more on paper than in reality and Blenheim was the *de facto* first capital. A fierce rivalry erupted between the two towns. Proposals to erect public buildings in Blenheim led to an acrimonious debate about whether the cost of construction would be better spent on other public works; the obvious subtext was that Blenheim sought to secure itself permanently as the capital by providing buildings for the government before Picton could.<sup>45</sup> No resolution was reached until April 1861, when the government formally relocated to Picton.<sup>46</sup> The relocation only made the rivalry more bitter; Blenheim took it as an affront while Picton jealously guarded its status as capital. In

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<sup>41</sup> *Nelson Examiner*, 23 October 1861, 4.

<sup>42</sup> *Marlborough Press*, 27 May 1865, 2.

<sup>43</sup> *Hokitika Times*, quoted in *Colonist*, 10 June 1865, 1.

<sup>44</sup> *Marlborough*, ed. McIntosh, 207-272 *passim*.

<sup>45</sup> *Marlborough Press*, 30 June 1860, 2-3.

<sup>46</sup> *Marlborough Press*, 13 April 1861, 2.

September 1862, the provincial council descended into farce when two men made competing claims to be the duly elected superintendent, one representing Picton and the other Blenheim; supporters of the latter took advantage of the chaos by attempting to remove the capital back to Blenheim.<sup>47</sup> They were unsuccessful and the deadlock was only resolved with a dissolution of the council.

Despite the animosity of 1860–62, it was in 1865 that Marlborough's politics reached their lowest ebb. In late June, a new session of the provincial council was opened in Picton and almost immediately erupted into a debate about whether the superintendent had the exclusive right to determine where the council met or if the council could decide any issue put before it. The Blenheim members, in the majority by eleven to nine, carried a vote to adjourn and hold the next meeting at Blenheim's court house.<sup>48</sup> The superintendent, in whom the constitution vested ultimate authority to fix the council's meeting place, ignored the vote and summoned the council to meet again in Picton. Blenheim's representatives ignored the summons, held their own session concurrently in Blenheim, marched on the superintendent's session in Picton, and attempted to substitute their own minutes into the record.<sup>49</sup> To compound the scene's indignity, the Blenheim members were hooted by a mob inside the council chambers and pelted with stones outside.<sup>50</sup> Little wonder the province was viewed as a joke externally. The *Press* of Christchurch captured the popular impression: 'Marlborough, in the absence of any other mode of achieving fame, resolves to do so by making itself infinitely ridiculous'.<sup>51</sup>

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<sup>47</sup> *Wellington Independent*, 30 September 1862, 2 and *Nelson Examiner*, 1 November 1862, 3. At the opening of the 1862 session of the Marlborough provincial council, the members were to elect a superintendent as the new provinces—unlike the original six—did not have a separate, popularly elected superintendent. William Baillie, the previous superintendent, was aware he did not have the numbers to secure re-election and prorogued the council immediately before the vote on a superintendent. The council ignored his prorogation and elected William Eyes as Superintendent. Baillie did not recognise the proceedings, refused to hand over the keys to the superintendent's office, and locked Eyes and his supporters out of the council chambers.

<sup>48</sup> *Marlborough Press*, 28 June 1865, 2.

<sup>49</sup> *Marlborough Press*, 8 July 1865, 2.

<sup>50</sup> *Marlborough News*, cited in *Nelson Examiner*, 20 July 1865, 4.

<sup>51</sup> *Press*, 18 July 1865, 2.

Marlborough may have become absurd, but Southland condemned the provincial system further by actually going bankrupt. It got off to a poor start when Otago politicians, vigorously opposed to their province being dismembered, ensured that the new province received the smallest possible territory.<sup>52</sup> Southland was also the victim of its own extraordinarily bad timing, seceding from Otago weeks before Gabriel Read struck gold in May 1861 and began the Otago gold rush. These two factors need not have been condemnations; it was Southland's own actions that turned a bad situation into one of New Zealand history's most laughably embarrassing episodes. The Southland provincial council from an early date began entertaining two railway schemes: one linking the port of Bluff to Invercargill, the capital, and another from Invercargill to Lake Wakatipu in Central Otago to tap the gold rush.<sup>53</sup> A railway was seen as essential to capture goldfields trade from Dunedin as the swampy land around Invercargill made road construction difficult and all previous attempts to construct an all-weather winter road had ended in abject failure.<sup>54</sup> Never mind that not a single kilometre of railway had yet opened in New Zealand and the colony lacked appropriate engineering experience. In 1863, as the gold rush reached fever pitch and trade was slipping away, Southland's chief surveyor was woefully optimistic about the ease of construction. As procuring steel rails from England would take too long, he foolishly endorsed a plan to build the line from Invercargill to Lake Wakatipu with wooden rails.<sup>55</sup>

The railway scheme imploded spectacularly. The province did not have the means to build a line eighty-three miles to Lake Wakatipu; instead, it opened eight short miles to Makarewa. In constructing these eight miles, poor quality wood was used. Ordinary citizens were

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<sup>52</sup> A.H. McIntock, *The History of Otago: The Origins and Growth of a Wakefield Class Settlement* (Dunedin: Otago Centennial Historical Publications, 1949), 410-11.

<sup>53</sup> See, for instance, the superintendent's speech opening the second session of the first council of Southland, 17 January 1862, in *Votes and Proceedings of the Southland Provincial Council 1861-69*, 16.

<sup>54</sup> J.O.P. Watt, *Southland's Pioneer Railways 1864-1878* (Wellington: New Zealand Railway and Locomotive Society, 1965), 14-15.

<sup>55</sup> Preliminary report from Theophilus Heale, chief surveyor, to J.A.R. Menzies, superintendent, regarding the Northern Railway, 31 July 1863, *Menzies Papers*, Alexander Turnbull Library, MS Papers 0055-03.



alienated by the grand public opening to Makarewa when only invited guests were permitted to travel on the train and partake in the full range of festivities.<sup>56</sup> A week later, a second public opening was held in response to popular discontent, but it was preceded by a bad omen: the first death of a New Zealand railway worker, when a teenage employee was crushed beneath a train shunting in Makarewa three days before the public celebrations.<sup>57</sup> The line itself proved to be manifestly unsuited to traffic; afternoon rainfall made it almost impossible for the train to run on the clay-covered wood. Some travellers trudged back to Invercargill on foot, damp and tired; others were forced to stay the night in Makarewa.<sup>58</sup> The railway was not up to operational requirements and money was not available to fix it. Expenses already exceeded the amount borrowed to fund construction, while provincial revenue for 1864 had fallen catastrophically short—Southland had anticipated almost £99,000 in revenue but had raised barely more than £52,000.<sup>59</sup> Consequently, the railway was rarely operational for the rest of the 1860s. Its brief operational periods were marred by problems with locomotives that were unreliable, too heavy for the wooden rails, and incapable of pulling more than the smallest load.<sup>60</sup>

The Invercargill to Bluff line was built with iron rather than wooden rails and proved to be more functional, but the cost of both sections was too much for the province to bear. In the province's west, the people of Riverton were scathing. Riverton had been founded before Invercargill and resented the shift of Southland's power; it had aspired to the status of capital and principal port. Despite being overlooked for the capital and superseded by Bluff's port, Riverton remained economically important and its citizens took a very dim view of how Southland's public works revolved around Invercargill's interests; staunch localism came to divide even the new provinces.<sup>61</sup>

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<sup>56</sup> *Southland Times*, 20 October 1864, 2.

<sup>57</sup> *Southland Times*, 25 October 1864, 2.

<sup>58</sup> *Southland Times*, 27 October 1864, 2.

<sup>59</sup> Statement of accounts, Province of Southland, for the eight months ending 30 September 1864, *Menzies Papers*, Alexander Turnbull Library, MS Papers 0055-03.

<sup>60</sup> Watt, *Southland's Pioneer Railways*, 30.

<sup>61</sup> Erik Olssen, 'The Peopling of Southland' and 'Loyalty and Localism – Southland's Political Odyssey', both in Murihiku: *The Southland Story*, ed. Paul

The *Riverton Times* feared that reckless railway expenditure by Invercargill would ruin Southland. It could even cite some Invercargill politicians siding with their viewpoint, William Tarlton having pronounced in 1863 that Southland 'would never be ruined but in and through its provincial council'.<sup>62</sup> He was dead right. The railway was ill-conceived, poorly built, opened too late for the gold rush, effectively non-operational, and never came close to diverting trade from Otago. It did not reach Kingston, on the banks of Lake Wakatipu, until 1878, two years after the demise of the provinces. Instead, the expense sent Southland bankrupt. In 1870, Southland's failure was so absolute that, with tail firmly between its legs, it rejoined Otago. Never had the provincial project looked so decrepit.

As Marlborough bickered and Southland collapsed, most of the other provinces stumbled too. Canterbury alone completed a grand public work. It opened New Zealand's first public railway on 1 December 1863 between Christchurch and a temporary wharf at Ferrymead, and then four years later completed a significant railway tunnel through the Port Hills to connect Christchurch with the deep-water port of Lyttelton. Wellington Province could not even construct an all-weather road across the Rimutaka Range to link Wellington city with the fertile Wairarapa hinterland, let alone undertake the railway proposals it occasionally entertained.<sup>63</sup> Auckland Province's attempt to build a railway south from Auckland city to the Waikato region was abandoned amidst severe public allegations of financial incompetence.<sup>64</sup> Taranaki and Hawke's Bay, small and troubled by the Land Wars of the 1860s, could not spare much time or money to develop their economies.

One of the most striking examples of the failure of the provincial model of development was the petty inter-provincial jealousy that scuppered proposals to build a bridge over the dangerous Waitaki

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Sorrell (Invercargill: Southland to 2006 Book Committee of the Dan Davin Literary Foundation, 2006), 73 and 86.

<sup>62</sup> *Riverton Times*, 20 February 1864, 2.

<sup>63</sup> One railway proposal was even given the provincial council's approval; see the *Wellington Independent*, 3 July 1866, 6. An inability to raise the necessary funds meant construction never began.

<sup>64</sup> *Daily Southern Cross*, 17 August 1867, 3. The DSC was a consistent advocate of the railway but it turned viciously on the provincial council for failing to complete the project or even bring a truncated section into operation.

River. Many travellers had drowned in the Waitaki, but as it formed the border between Canterbury and Otago, proposals to bridge it failed. The provincial councils were incapable of reaching an agreement on who would fund it, and in 1866, the issue exploded into an editorial dispute between two key regional newspapers that exposed the main fault lines. The *Oamaru Times*, representing the interests of North Otago and some settlers in Canterbury's Waimate region along the Waitaki, believed that a bridge would encourage inter-provincial trade and boost land sales near the river in both provinces.<sup>65</sup> The *Timaru Herald*, on the other hand, represented South Canterbury's commercial interests, especially those connected with Timaru's port. It opposed the bridge, fearing it would divert trade from Waimate to Oamaru rather than Timaru.<sup>66</sup> Further divisions of the country into new, hyper-regionalised provinces would only make inter-provincial jealousies such as these worse. Intra-provincial development was stagnating due to poor financial management; inter-provincial development was stunted by narrow self-interest. As the *Oamaru Times* editorialised, there was popular dissatisfaction with the 'petty provincial jealousies which are so apt, ever and anon, to stand out in repulsive relief, when questions involving the welfare of the country generally are discussed'.<sup>67</sup>

As the provincial model of development faltered, settlers increasingly looked to the central government for redress. The Anglosphere, of which New Zealand was the most far-flung outpost, was undergoing rapid development and growth. It was fuelled by what James Belich calls the 'progress industry': the interaction of immigration, easy credit, speculative markets, and the rapid creation of towns and public infrastructure.<sup>68</sup> Yet the provinces, especially the new ones, had come to impede the progress industry. They had largely failed to provide public works and their financial difficulties made credit more difficult to obtain. To avoid any more debacles like those in Marlborough and Southland, the New Provinces Act was essentially

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<sup>65</sup> *Oamaru Times*, 31 May 1866, 2.

<sup>66</sup> *Timaru Herald*, 25 July 1866, 2.

<sup>67</sup> *Oamaru Times*, 31 May 1866, 2.

<sup>68</sup> James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (Oxford: Oxford University Press, 2009), 185.

repealed by another act of the same name in 1865.<sup>69</sup> No longer could a region secede through an essentially automatic process; the creation of a new province had to be authorised on its merits by a vote of the central parliament. This did not stop hinterlands campaigning for secession, but only one additional province was created: Westland, the site of another gold rush. It was first made an autonomous county of Canterbury in 1868, and when it had proven its ability to govern itself, it was upgraded to the status of a fully fledged province in 1873. Other hinterlands, unable to secede, increasingly sought central rather than provincial support for their development, while in provincial capitals, enemies of provincial regimes were only too keen to neuter the provinces.

The 1860s had shown New Zealand that new provinces were not the answer to hinterland unrest, that many provinces—especially the newest—were incapable of performing the basic tasks of colonisation, and that a new form of development was necessary. What many did not expect was how quickly the provincial system would disappear. In 1870, Julius Vogel, the young treasurer of William Fox's government, proposed a scheme that would obliterate the provinces. Vogel and Fox were unlikely men for the job, as neither were centralists—Fox had been a committed ultra, while Vogel had fervently advocated Otago becoming a separate colony during the 1860s. Yet Vogel was more enamoured by the potential of technological advances than he was with specific forms of government, and Fox let his treasurer work independently to create the Great Public Works Programme.<sup>70</sup> Under its auspices, public works and immigration became the responsibility of the central government rather than the provinces. The programme's key project was a national railway network linking all major centres via trunk routes across provincial borders.<sup>71</sup> New Zealand would not fall victim to Australia's proliferation of different railway gauges. The programme required an investment of ten million pounds, a sum far beyond the ability of any province to raise

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<sup>69</sup> *New Provinces Act* (29 Victoria 1865, No. 34), in the *New Zealand Legal Information Institute's database of New Zealand Acts As Enacted*, available from: [http://www.nzlii.org/nz/legis/hist\\_act/](http://www.nzlii.org/nz/legis/hist_act/); accessed 19 June 2012.

<sup>70</sup> Raewyn Dalziel, *Julius Vogel: Business Politician* (Auckland: Auckland University Press, 1986), especially 80 and 104.

<sup>71</sup> Vogel's speech introducing the programme and outlining his vision for a national railway network can be found in the *Evening Post*, 29 June 1870, 2.

or repay—but within the abilities of the increasingly powerful central government.

As plans advanced, it was clear the provinces had lost their main role. The compression of physical time and space by the railway—and by the steamship—also compressed the space within which the provinces existed. The progress industry had progressed beyond the need for provincial administration. New Zealanders looked to the central government to provide for public needs and wants; the provinces—poor, robbed of their job, and embarrassed by the new provinces debacle—were no longer wanted. Politicians began campaigning on platforms advocating abolition.<sup>72</sup> First came suggestions in 1873 that the North Island provinces be abolished but the South Island provinces be retained, a sop to the gold rush and pastoral wealth of Canterbury and Otago. This led logically to proposals for outright abolition; ‘the storm has apparently gathered rapidly and broken on us suddenly, [but] the elements of it have in fact been gathering in the political atmosphere for years’.<sup>73</sup> When a plan was put forward in 1875 to abolish the provinces, entrust nation-building to the central government alone, and form a system of counties and single-purpose boards for local affairs, it progressed easily through parliament. Even four superintendents voted for it.<sup>74</sup> A majority of New Zealanders elected pro-abolition politicians, and outside prosperous Otago, few were sad to see the provinces go. Thus, the design of C.W. Richmond succeeded beyond his goals. The *New Provinces Act* did not just limit the power of the provinces; it embarrassed the system so absolutely that the new provinces were a major factor in provincial abolition. Unable to achieve their

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<sup>72</sup> See, for instance, Hugh Lusk, who ran for the superintendency of Auckland in 1873 on an openly abolitionist platform. Although Auckland city was generally anti-abolition and Lusk did not win election, his arguments were popular in Auckland’s hinterland of Waikato, where pro-abolition and anti-Auckland sentiments were strong. See the *Waikato Times*, 3 July 1873, 3 and 2 April 1874, 2.

<sup>73</sup> *Otago Daily Times*, 8 August 1874, 2.

<sup>74</sup> Morrell, *The Provincial System in New Zealand*, 256. Eight superintendents held seats in the House of Representatives and the ninth, Westland’s James Bonar, sat in the Legislative Council. The superintendents of Hawke’s Bay, Nelson, Taranaki, and Westland voted in favour of abolition; the superintendents of Auckland, Canterbury, Otago, and Wellington voted against; the superintendent of Marlborough was absent in England.

aspirations, they devolved into pathetic arguments and fiscal insolvency. Their peers, the original provinces, fared little better. Settlers in new and old provinces alike came to see the central government as the authority most able to cater to their needs. No longer were the provinces necessary, especially in a country progressively being linked by rail. Eighteen years after the *New Provinces Act* ostensibly extended the provincial project to all communities who aspired to the status of 'province', the forces it unleashed caused the demise of New Zealand's sole attempt at federalism.

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